IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.34 OF 2006
IN
COMPANY PETITION NO.145 OF 2005

Umesh Pravinchandra Vora .. Appellant
v/s.
The Pride Hotels Pvt.Limited .. Respondent

Mr.P.N.Gunwani i/by M/s.Mayur Narendra & Co. for the appellant.

CORAM : R.M. LODHA &
ANOOP V.MOHTA, JJ.

DATED : 30TH JANUARY, 2006.

P.C.

Heard Mr.P.N.Gunwani, the learned counsel for the appellant.

2. The learned Company Judge has permitted the company to deposit a sum of Rs.75,000/- in the court, failing which the learned Company Judge directed that the company petition shall stand admitted.

3. The petitioner who filed the company petition has come up in appeal. His grievance is that having found that the defence set up by the respondent-company was not honest or bonafide, the learned Company Judge ought to have admitted the company petition.

4. We find no merit in this appeal. The claim of the appellant against the respondent-company is in respect of the goods supplied and delivered in the year 2002 amounting to Rs.75,000/-. In this backdrop, the learned Company Judge, instead of admitting the company petition, if, granted an opportunity to the respondent-company to deposit the amount of Rs.75,000/-, it cannot be said that the discretion was erroneously

exercised by the Company Judge. We are informed that the respondent-company has already deposited the amount of Rs.75,000/- in compliance of the order dated August 11, 2005.

5. No case for interference in the impugned order is made out. Appeal is dismissed in limine.

6. At this stage, the learned counsel for the appellant prays that time given to the appellant for filing the suit may be extended by a further period of four weeks. We accede to the request of the learned counsel for the appellant and extent the time for filing the suit by 28th February, 2006.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)